

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

MARK MANCINI,  
PLAINTIFF

v.

CITY OF PROVIDENCE, by and Through Its  
Treasurer, James J. Lombardi, III, and  
HUGH CLEMENTS, JR.,  
DEFENDANTS.

C.A. No. 13-092-S-PAS

PLAINTIFF'S MARK MANCINI'S STATEMENT OF UNDISPUTED FACTS

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and LR cv 56 of the Local Rules of the United States District Court for the District of Rhode Island, Plaintiff Mark Mancini hereby sets forth this Statement of Undisputed Facts ("PSUF") in connection with his Motion for Partial Summary Judgment Against Defendant City of Providence on the Issue of Liability on Counts I, II, III, and IV of the Complaint (Document No. 63). Mancini states that the following facts are undisputed:

1. Mancini received a "5" for service points on the 2010 Lieutenants Promotional Exam (Mancini Depos. Tr. Vol. I at 37:18-19).
2. Defendant Clements recommend to Chief Esserman that Mancini receive a "5" (Clements Depos. Tr. Vol. II at 80:14-23).
3. Mancini's most recent performance evaluation prior to Mancini going on IOD status occurred on March 28, 2011 and was for the time period May 2010 to Dec. 2010 (Ex. 10).
4. Mancini's 2010 Performance Evaluation rated his overall work performance for the time period May 2010 to Dec. 2010 as "Exceptional." (Id.).

5. On April 11, 2011, Defendant Clements signed Mancini's 2010 Performance Evaluation under the section entitled "Command Staff Review." (Id.).
6. During Mancini's career, he has only received formal discipline two times: On May 19, 1997 (Ex. 1); and on April 14, 2000 (Ex. 2).
7. On or about November 15, 2010, Mancini injured his right knee while chasing a suspect in the line of duty. (Mancini Depos. Tr. Vol II 6:18-21).
8. As a result of his injury, he was placed on "injured on duty" status.
9. In or about February of 2011, Mancini underwent surgery as a result of the injury to his right knee. (Mancini Depos. Tr. Vol II 13:17-20).
10. To recover from the surgery, Mancini visited his doctor every two to four weeks and was prescribed Vicodin and ibuprofen, as well as eight to ten weeks of physical therapy. (Mancini Depos. Tr. Vol II 14:12-23, 16:4-21, 16:22-17:5).
11. Mancini required the use of crutches for approximately six weeks. (Mancini Depos. Tr. Vol II 15:-25).
12. In or about April of 2011, Mancini returned to work on "light duty" status. (Mancini Depos. Tr. Vol II 18:13-16).
13. In or about April of 2011, Mancini was the only candidate for the June 2012 Lieutenant's Exam who, at the time he signed up for the promotional exam, was on IOD Status (Ex. 6).
14. In or about September of 2011, Mancini applied for work-related disability retirement benefits after being told that if he did not submit the application, the Department would do it on his behalf. (Granata Depos. Tr. 26:10-16, Mancini Depos. Tr. 26:13-27:15, 27:15-22).
15. At the time he sat for the June 2012 Lieutenant's Promotional Exam, Mancini's physical impairment substantially limited his ability to stand, walk, bend, lift, and work as compared to the average member in society." (Mancini Aff. ¶12).
16. Mancini received a "0" for service points on the 2012 Lieutenant's Promotional Exam.
17. Mancini received a "4" for service points on the 2015 Lieutenant's Promotional Exam (Clements Depos. Tr. Vol. II at 114:5-7).

MARK MANCINI  
By His Attorney,

/s/Mark P. Gagliardi  
Mark P. Gagliardi (#6819)  
LAW OFFICE OF MARK P. GAGLIARDI, LLC  
120 Wayland Avenue, Suite 7  
Providence, RI 02906  
(401) 277-2030  
(401) 277-2021 (fax)  
mark@gagliardilaw.net

Dated: May 27, 2016

CERTIFICATION

I hereby certify that on this 27<sup>th</sup> day of May, 2017, I filed electronically this document with the Clerk of the U.S. District Court for the District of Rhode Island and, therefore, all counsel-of-record has received notice electronically.

/s/Mark P. Gagliardi